

House File 155 - Introduced

HOUSE FILE 155

BY SHIPLEY

A BILL FOR

1 An Act relating to acquiring pistols and revolvers, providing
2 penalties, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.25, subsection 1, paragraph b, Code
2 2021, is amended to read as follows:

3 b. Suspend or revoke, except in accordance with section
4 724.13, a permit issued pursuant to section 724.6 ~~or~~ 724.7
5 ~~or 724.15~~.

6 Sec. 2. Section 724.11A, Code 2021, is amended to read as
7 follows:

8 **724.11A Recognition.**

9 A valid permit or license issued by another state to any
10 nonresident of this state shall be considered to be a valid
11 permit or license to carry weapons issued pursuant to this
12 chapter, except that such permit or license shall not be
13 ~~considered to be a substitute for a permit to acquire pistols~~
14 ~~or revolvers issued pursuant to section 724.15~~ deemed to
15 satisfy the requirements of section 724.15.

16 Sec. 3. Section 724.15, Code 2021, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **724.15 Acquiring pistols or revolvers.**

19 1. It is the intent of this section to satisfy federal
20 requirements of 18 U.S.C. §922(t)(3) in order to acquire
21 pistols or revolvers. As of July 1, 2021, the state shall no
22 longer issue a permit to acquire. In order to acquire a pistol
23 or revolver from a federally licensed firearms dealer, a person
24 is required to have a valid permit to carry weapons issued
25 in accordance with this chapter or the person must complete
26 a satisfactory national instant criminal background check
27 pursuant to 18 U.S.C. §922(t).

28 2. A person shall not acquire a pistol or revolver who is
29 subject to any of the following:

30 a. Is under twenty-one years of age.

31 b. Is prohibited by section 724.26 or federal law from
32 possessing, shipping, transporting, or receiving a firearm.

33 c. Is prohibited by court order from possessing, shipping,
34 transporting, or receiving a firearm.

35 3. An issuing officer who finds that a person issued a

1 permit to acquire pistols or revolvers under this chapter
 2 prior to July 1, 2021, has been arrested for a disqualifying
 3 offense or who is the subject of proceedings that could lead
 4 to the person's ineligibility for such permit, may immediately
 5 suspend such permit. An issuing officer proceeding under
 6 this subsection shall immediately notify the permit holder
 7 of the suspension by personal service or certified mail on a
 8 form prescribed and published by the commissioner of public
 9 safety and the suspension shall become effective upon the
 10 permit holder's receipt of such notice. If the suspension is
 11 based on an arrest or a proceeding that does not result in a
 12 disqualifying conviction or finding against the permit holder,
 13 the issuing officer shall immediately reinstate the permit upon
 14 receipt of proof of the matter's final disposition. If the
 15 arrest leads to a disqualifying conviction or the proceedings
 16 to a disqualifying finding, the issuing officer shall revoke
 17 the permit. The issuing officer may also revoke the permit of
 18 a person whom the issuing officer later finds was not qualified
 19 for such a permit at the time of issuance or whom the officer
 20 finds provided materially false information on the permit
 21 application. A person aggrieved by a suspension or revocation
 22 under this subsection may seek review of the decision pursuant
 23 to section 724.21A, Code 2020.

24 Sec. 4. Section 724.16, Code 2021, is amended to read as
 25 follows:

26 **~~724.16 Permit to acquire required — transfer prohibited~~**
 27 **Pistols and revolvers — acquiring or transferring prohibitions.**

28 ~~1. Except as otherwise provided in section 724.15,~~
 29 ~~subsection 2, a~~ A person who acquires ownership of a pistol or
 30 revolver without a valid permit to acquire pistols or revolvers
 31 or a person who transfers ownership of a pistol or revolver
 32 to a person who does not have in the person's possession a
 33 valid permit to acquire pistols or revolvers from a federally
 34 licensed firearms dealer in violation of section 724.15 is
 35 guilty of an aggravated misdemeanor.

1 2. A person who transfers ownership of a pistol or revolver
2 to a person that the transferor knows is prohibited by section
3 724.15 from acquiring ownership of a pistol or revolver commits
4 a class "D" felony.

5 Sec. 5. Section 724.21A, subsections 1, 7, and 8, Code 2021,
6 are amended to read as follows:

7 1. In any case ~~where~~ in which the sheriff or the
8 commissioner of public safety denies an application for or
9 suspends or revokes a permit to carry weapons ~~or a permit to~~
10 ~~acquire pistols or revolvers~~, the sheriff or commissioner shall
11 provide a written statement of the reasons for the denial,
12 suspension, or revocation and the applicant or permit holder
13 shall have the right to appeal the denial, suspension, or
14 revocation to an administrative law judge in the department of
15 inspections and appeals within thirty days of receiving written
16 notice of the denial, suspension, or revocation.

17 7. In any case ~~where~~ in which the issuing officer denies
18 an application for, or suspends or revokes a permit to carry
19 weapons ~~or a permit to acquire pistols or revolvers~~ solely
20 because of an adverse determination by the national instant
21 criminal background check system, the applicant or permit
22 holder shall not seek relief under this section but may pursue
23 relief of the national instant criminal background check system
24 determination pursuant to Pub. L. No. 103-159, sections 103(f)
25 and (g) and 104 and 28 C.F.R. §25.10, or other applicable law.
26 The outcome of such proceedings shall be binding on the issuing
27 officer.

28 8. If an applicant or permit holder appeals the decision
29 by the sheriff or commissioner to deny an application for or
30 suspend or revoke a permit to carry weapons or a permit to
31 acquire pistols or revolvers, and it is later determined on
32 appeal the applicant or permit holder is eligible to be issued
33 or possess a permit to carry weapons or a permit to acquire
34 pistols or revolvers, the applicant or permit holder shall
35 be awarded court costs and reasonable attorney fees. If the

1 decision of the sheriff or commissioner to deny an application
 2 for or suspend or revoke a permit to carry weapons ~~or a permit~~
 3 ~~to acquire pistols or revolvers~~ is upheld on appeal, or the
 4 applicant or permit holder withdraws or dismisses the appeal,
 5 the political subdivision of the state representing the sheriff
 6 or the state department representing the commissioner shall be
 7 awarded court costs and reasonable attorney fees.

8 Sec. 6. Section 724.27, subsection 1, unnumbered paragraph
 9 1, Code 2021, is amended to read as follows:

10 The provisions of [section 724.8](#), section 724.15, subsection
 11 2, and [section 724.26](#) shall not apply to a person who is
 12 eligible to have the person's civil rights regarding firearms
 13 restored under [section 914.7](#) if any of the following occur:

14 Sec. 7. REPEAL. Sections 724.17, 724.18, 724.19, and
 15 724.20, Code 2021, are repealed.

16 Sec. 8. APPLICABILITY OF PERMIT TO ACQUIRE PISTOLS OR
 17 REVOLVERS ISSUED PRIOR TO EFFECTIVE DATE. A permit to acquire
 18 issued under the provisions of chapter 724, Code 2020, prior to
 19 July 1, 2021, shall be considered a valid permit to acquire as
 20 long as the permit has not expired unless the person becomes
 21 ineligible to acquire a pistol or revolver.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
 24 the explanation's substance by the members of the general assembly.

25 This bill relates to acquiring pistols and revolvers.

26 Current law provides that any person who intends to purchase
 27 a pistol or revolver is required to first obtain an annual
 28 permit to acquire pistols or revolvers unless the person is
 29 otherwise exempt from obtaining such a permit. It is the
 30 intent of the bill to satisfy federal requirements of 18 U.S.C.
 31 §922(t)(3) in order to acquire a pistol or revolver. The bill
 32 provides that as of July 1, 2021, the state shall no longer
 33 issue a permit to acquire. In order to acquire a pistol or
 34 revolver from a federally licensed firearms dealer, a person
 35 is required to have a valid permit to carry weapons issued in

1 accordance with Code chapter 724 or the person must complete
2 a satisfactory national instant criminal background check
3 pursuant to 18 U.S.C. §922(t). The bill provides that a valid
4 permit to carry weapons or license issued by another state to
5 any nonresident of this state does not satisfy the requirements
6 to acquire a pistol or revolver in this state.

7 The bill also makes a conforming change to Code section
8 29C.25 (emergency management and security — firearms and
9 ammunition) due to the elimination of the permit to acquire.

10 Under the bill, a person is not eligible to acquire a pistol
11 or revolver if the person is less than 21 years of age, is
12 prohibited by Code section 724.26 (felon in possession of a
13 firearm), federal law, or is prohibited by a court order from
14 possessing, shipping, transporting, or receiving a firearm.

15 The bill provides that a permit to acquire a pistol or
16 revolver issued under Code chapter 724 (Code 2020) prior to
17 July 1, 2021, shall be considered a valid permit to acquire as
18 long as the permit has not expired unless the person becomes
19 ineligible to acquire a pistol or revolver.

20 The bill, in Code section 724.15, provides that a permit to
21 acquire firearms issued prior to July 1, 2021, may be suspended
22 or revoked by the issuing officer and the aggrieved permit
23 holder may file an appeal with an administrative law judge
24 under Code section 724.21A pursuant to the 2020 Code.

25 Consistent with striking the requirement to obtain a
26 permit to acquire a pistol or revolver, and moving certain
27 requirements to acquire a pistol or revolver into Code section
28 724.15 as amended in the bill, the bill repeals Code sections
29 724.17 (application for permit to acquire — criminal history
30 check), 724.18 (procedure for making application for permit to
31 acquire), 724.19 (issuance of annual permit to acquire), and
32 724.20 (validity of permit to acquire pistols or revolvers).

33 The bill amends Code section 724.16 (permit to acquire —
34 transfer prohibited) by providing that a person who acquires
35 ownership of a pistol or revolver from a federally licensed

1 firearms dealer in violation of Code section 724.15 is guilty
2 of an aggravated misdemeanor. Currently, a person who acquires
3 ownership of a pistol or revolver without a valid permit
4 to acquire pistols or revolvers or a person who transfers
5 ownership of a pistol or revolver to a person who does not have
6 in the person's possession a valid permit to acquire pistols
7 or revolvers is guilty of an aggravated misdemeanor, except as
8 otherwise provided in Code section 724.15(2).

9 The bill makes a conforming change to Code section 724.27
10 relating to the restoration of firearms rights.

11 An aggravated misdemeanor, as referenced in the bill, is
12 punishable by confinement for no more than two years and a fine
13 of at least \$855 but not more than \$8,540.